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**UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA**

In re:

EB HOLDINGS II, INC.,

Debtor.

Chapter 11

Case No.: BK-S-19-16364-MKN

Adv. Pro. No. 20-01010-MKN

Case No. 2:20-cv-00461-KJD-BNW

EB HOLDINGS II, INC. and QXH II, INC.,

Plaintiffs,

v.

**STIPULATED ORDER WITHDRAWING
 PENDING MOTION**

ILLINOIS NATIONAL INSURANCE
 COMPANY, CONTINENTAL
 CASUALTY COMPANY, FEDERAL
 INSURANCE COMPANY, BEAZLEY
 INSURANCE COMPANY, INC., AXIS
 INSURANCE COMPANY, ACE
 AMERICAN INSURANCE COMPANY,
 IRONSHORE INDEMNITY INC.,
 FREEDOM SPECIALTY INSURANCE
 COMPANY, ARCH INSURANCE
 COMPANY and ASPEN SPECIALTY
 INSURANCE COMPANY,

Defendants.

1 IT IS HEREBY STIPULATED and AGREED, by and between Plaintiffs EB Holdings II,
 2 Inc. (“EBH”), by and through its counsel, the law firm of Garman Turner Gordon LLP, QXH II,
 3 Inc. (“QXH II,” and together with EBH, the “Insureds”), by and through its counsel, the law firms
 4 of K&L Gates LLP and Ghandi Deeter Blackham, and Beazley Insurance Company, Inc.
 5 (“Beazley”), by and through its counsel, the law firm of Christian, Kravitz, Dichter, Johnson &
 6 Sluga, PLLC, as follows:

7 WHEREAS, on September 30, 2019, EBH filed its Chapter 11 bankruptcy petition in the
 8 United States Bankruptcy Court for the District of Nevada (the “Bankruptcy Court”), thereby
 9 commencing chapter 11 case no. 19-16364-MKN.

10 WHEREAS, on January 16, 2020, EBH and QXH II filed a *Complaint* in the Bankruptcy
 11 Court, thereby commencing adversary proceeding no. 20-01010-MKN (the “Adversary”).

12 WHEREAS, on March 4, 2020, Beazley filed *Beazley Insurance Company, Inc.’s Motion*
 13 *to Withdraw Reference* [ECF No. 1] (the “Beazley’s Motion to Withdraw the Reference”), thereby
 14 commencing District Court case number 2:20-cv-00461-KDJ-BNW.

15 WHEREAS, on March 20, 2020, an *Order Consolidating Cases* [ECF No. 7] was entered
 16 in District Court case number 2:20-cv-00461-KDJ-BNW consolidating District Court case
 17 numbers 2:20-cv-00492-APG-NJK and 2:20-cv-00491-KJD-BNW with lead District Court case
 18 number 2:20-cv-00461-KJD-BNW.

19 WHEREAS, on June 24, 2018, the *Stipulation Dismissing Defendant Beazley Insurance*
 20 *Company, Inc. Without Prejudice* (the “Stipulation”) was filed in the Adversary. The Stipulation,
 21 attached hereto as Exhibit 1, provided for the withdrawal of the Motion to Withdraw the Reference
 22 and a related pleading and for the dismissal of the Insureds’ claims against Beazley *without*
 23 *prejudice*.

24 WHEREAS, the Stipulation was approved by entry of the Order of the Bankruptcy Court
 25 on June 25, 2020 (the “Dismissal Order”). A copy of the Dismissal Order is attached hereto as
 26 Exhibit 2.

1 NOW, THEREFORE, the Insureds and Beazley hereby stipulate and agree that Beazley's
2 Motion to Withdraw the Reference is hereby withdrawn, with the parties to bear their own fees
3 and costs.

4 Dated this 25th day of June, 2020.

5 GARMAN TURNER GORDON LLP

K&L GATES LLP

6
7 By: /s/ Talitha Gray Kozłowski
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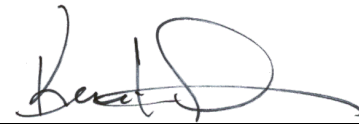
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21 Las Vegas, Nevada 89123
22 Attorneys for Beazley Insurance
23 Company, Inc.

24 IT IS SO ORDERED:

25
26 

27 UNITED STATES DISTRICT JUDGE

28 DATED :7/7/2020

EXHIBIT 1

EXHIBIT 1

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**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEVADA**

In re:

EB HOLDINGS II, INC.,

Debtor.

Chapter 11

Case No.: BK-S-19-16364-MKN

EB HOLDINGS II, INC. and QXH II, INC.,

Plaintiffs,

v.

ILLINOIS NATIONAL INSURANCE
COMPANY, CONTINENTAL
CASUALTY COMPANY, FEDERAL
INSURANCE COMPANY, BEAZLEY
INSURANCE COMPANY, INC., AXIS
INSURANCE COMPANY, ACE
AMERICAN INSURANCE COMPANY,
IRONSHORE INDEMNITY INC.,
FREEDOM SPECIALTY INSURANCE
COMPANY, ARCH INSURANCE
COMPANY and ASPEN SPECIALTY
INSURANCE COMPANY,

Defendants.

Adv. Pro. No. 20-01010-MKN

**STIPULATION DISMISSING
DEFENDANT BEAZLEY INSURANCE
COMPANY, INC. WITHOUT
PREJUDICE AND WITHDRAWING
PENDING MOTIONS**

1 IT IS HEREBY STIPULATED and AGREED, by and between Plaintiffs EB Holdings II,
2 Inc. (“EBH”), by and through its counsel, the law firm of Garman Turner Gordon LLP, QXH II,
3 Inc. (“QXH II,” and together with EBH, the “Insureds”), by and through its counsel, the law firms
4 of K&L Gates LLP and Ghandi Deeter Blackham, and Beazley Insurance Company, Inc.
5 (“Beazley”), by and through its counsel, the law firm of Christian, Kravitz, Dichter, Johnson &
6 Sluga, PLLC, as follows:

7 WHEREAS, on September 30, 2019, EBH filed its Chapter 11 bankruptcy petition in the
8 United States Bankruptcy Court for the District of Nevada, thereby commencing chapter 11 case
9 no. 19-16364-MKN.

10 WHEREAS, on January 16, 2020, EBH and QXH II filed a *Complaint* in the United States
11 Bankruptcy Court for the District of Nevada, thereby commencing this adversary proceeding,
12 adversary no. 20-01010-MKN (the “Adversary”).

13 WHEREAS, on March 3, 2020, Beazley filed *Beazley Insurance Company, Inc.’s Motion*
14 *to Withdraw Reference* [ECF No. 48] (the “Motion to Withdraw the Reference”), thereby
15 commencing District Court case number 2:20-cv-00461-KDJ-BNW.¹

16 WHEREAS, on March 11, 2020, Beazley filed a *Joinder in Illinois National Insurance*
17 *Company’s Motion to Dismiss Plaintiffs’ Complaint Under FRBP 12(b)(1)* [ECF No. 80] (the
18 “Joinder”), arguing, inter alia, that Plaintiffs’ Complaint fails to state a justiciable cause of action
19 for declaratory relief against Beazley because the Complaint alleges that “[t]o date, the Insureds
20 have incurred substantial defense costs in connection with the GoldenTree Action and related
21 litigation, including in excess of \$25,000,000 in attorneys’ fees and costs...,” and Beazley’s policy
22 attaches in excess of underlying policies with limits of liability totaling \$50,000,000.

23 WHEREAS, Plaintiffs and Beazley have agreed to dismiss Plaintiffs’ *Complaint without*
24 *prejudice*, subject to the understanding that Plaintiffs will seek coverage from Beazley for the
25 claims at issue in the *Complaint* only upon an allegation by Plaintiffs of damages reaching the
26

27
28 ¹ A similar stipulated order is being filed in case number 2:20-cv-00461-KDJ-BNW, pending in the United States District Court for the District of Nevada.

attachment point of Beazley's policy; moreover, in the event that Plaintiff's decide to pursue future claims against Beazley, they agree to serve Beazley with a copy of any motion to amend the complaint and to allow Beazley the opportunity to file a timely response to that motion.

WHEREAS, the Insureds and Beazley have agreed to dismiss Beazley from the Adversary *without prejudice* and to vacate all pending matters by and between them, with each party to bear its own attorneys' fees and costs.

NOW, THEREFORE, subject to entry of an Order approving this Stipulation, the Insureds and Beazley hereby stipulate and agree as follows:

1. Beazley withdraws its Joinder [ECF No. 80] and Motion to Withdraw the Reference [ECF No. 48];

2. The Insureds' claims against Beazley filed in this Adversary are dismissed *without prejudice*; and

3. The Insureds and Beazley shall each bear their own attorneys' fees and costs incurred to date with respect to the Adversary.

Dated this 24th day of June, 2020.

GARMAN TURNER GORDON LLP

K&L GATES LLP

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EXHIBIT 2

EXHIBIT 2



Honorable Mike K. Nakagawa
United States Bankruptcy Judge



Entered on Docket
June 25, 2020

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**UNITED STATES BANKRUPTCY COURT
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In re:

EB HOLDINGS II, INC.,

Debtor.

EB HOLDINGS II, INC. and QXH II, INC.,

Plaintiffs,

v.

ILLINOIS NATIONAL INSURANCE
COMPANY, CONTINENTAL
CASUALTY COMPANY, FEDERAL
INSURANCE COMPANY, BEAZLEY
INSURANCE COMPANY, INC., AXIS

Chapter 11

Case No.: BK-S-19-16364-MKN

Adv. Pro. No. 20-01010-MKN

**ORDER DISMISSING DEFENDANT
BEAZLEY INSURANCE COMPANY,
INC. WITHOUT PREJUDICE AND
WITHDRAWING PENDING MOTIONS**

INSURANCE COMPANY, ACE
AMERICAN INSURANCE COMPANY,
IRONSHORE INDEMNITY INC.,
FREEDOM SPECIALTY INSURANCE
COMPANY, ARCH INSURANCE
COMPANY and ASPEN SPECIALTY
INSURANCE COMPANY,

Defendants.

Plaintiffs EB Holdings II, Inc. (“EBH”), by and through its counsel, the law firm of Garman
Turner Gordon LLP, QXH II, Inc. (“QXH II,” and together with EBH, the “Insureds”), by and
through its counsel, the law firms of K&L Gates LLP and Ghandi Deeter Blackham, and Beazley
Insurance Company, Inc. (“Beazley”), by and through its counsel, the law firm of Christian,
Kravitz, Dichter, Johnson & Sluga, PLLC, entered into that certain *Stipulation to Dismiss Beazley
Insurance Company, Inc. Without Prejudice and Withdrawing Pending Motions* (the
“Stipulation”).¹ Good cause appearing therefore;

IT IS HEREBY ORDERED that the Stipulation is approved in its entirety.

IT IS FURTHER ORDERED that Beazley’s Joinder [ECF No. 80] and Motion to
Withdraw the Reference [ECF No. 48] are withdrawn.

IT IS FURTHER ORDERED that the Insureds’ claims against Beazley filed in this
Adversary are dismissed *without prejudice*.

IT IS FURTHER ORDERED that the Insureds and Beazley shall each bear their own
attorneys’ fees and costs incurred to date with respect to the Adversary.

IT IS SO ORDERED.

GARMAN TURNER GORDON LLP

K&L GATES LLP

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¹ All capitalized, undefined terms shall have the meanings ascribed to them in the Stipulation.

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